



Cannon River

One Watershed, One Plan

“Aligning local water planning on major watershed boundaries with state strategies towards prioritized, targeted and measurable implementation plans”

Minutes

Policy Committee Meeting

April 4, 2018

Rice County Government Services Building
320 Third St NW, Faribault, MN 55021

Policy Committee Members: Brad Anderson (Goodhue County), Jayne Hager Dee (Dakota SWCD), Richard Cook (Rice SWCD), Jim Struck (Le Sueur SWCD), Dan Hansen (Steele SWCD), James Hedeem (Belle Creek WD), Peg Varien (North Cannon River WMO), Jeff Beckman (Goodhue SWCD), Galen Malecha (Rice County), Steven Rohlifing (Le Sueur County).

Also in Attendance: Brad Becker (Dakota County staff), Brad Behrens (Rice County staff), Ashley Gallagher (Dakota SWCD staff), Beau Kennedy (Goodhue SWCD staff), Josh Mankowski (Le Sueur County staff), Holly Kalbus (Le Sueur County staff), Jenny Mocol-Johnson (BWSR), Mike Schultz (Le Sueur SWCD staff), Brian Watson (Dakota SWCD staff).

1. Call to Order

Chair Rohlifing called the meeting to order at 9:10am.

2. Approval of Agenda

Motion by Malecha, second by Anderson to approve the agenda. Motion carried.

3. Approval of Minutes

Motion by Hansen, second by Cook to approve the minutes of the January 10, 2018 Policy Committee meeting. Motion carried.

4. Invoices for Payment

Financial summary provided in meeting materials. It was noted that summary is easy to follow. Question regarding remaining funds and when will the next 40% be released? Response was that fiscal and admin will work with BWSR for a reconciliation, which involves a review of paperwork, then BWSR will release the next 40%.

5. Workplan Progress Update and Water Conversations review

Consultant was unable to attend the meeting but provided a powerpoint presentation for Gallagher to present to the group. Timeline indicates that we are on track to have a Draft Plan this summer, and can anticipate a Final Plan to be available for adoption in January 2019. Definition of a measurable goal was reviewed and the process of taking a concern and writing an

issue statement which then allows for measurable goals and implementation activities to be developed.

Maps presented for priority areas have been revised from last Policy Committee meeting based upon feedback from the Technical Advisory Group (TAG), Policy Committee members, and stakeholders. There are now two maps, one for surface water and the other for groundwater. The surface water map remains the same as previously presented. The groundwater map was developed based on groundwater sensitivity, DWSMA vulnerability, nitrate results and groundwater dominated lakes.

Additional focused meetings were added to develop more detailed goals. These meetings focused on groundwater, education and outreach, drainage systems, and soil health.

Final series of Water Conversations were held in Northfield and Owatonna. Both were fairly well attended with representation from a variety of stakeholders. Participants self-divided into three focused groups: Resource Concerns, Landscape Alterations and Socioeconomic Concerns. Groups worked through worksheets and provided input. Question as to whether similar comments or themes were heard, and if attendees were curious about funding for implementation. Response was yes.

Next steps are for the TAG and PWG to bring a Draft Plan to the next Policy Committee meeting. Policy Committee is able to initiate the 60-Day Review. During this timeframe the PWG and Policy Committee will host a Public Open House to provide a more informal opportunity for public comment, since the Public Hearing that occurs after the 60-Day Review is quite formal. There is then a time period for responding to comments, edits can be made, and the Plan will come back to the Policy Committee to approve submittal to BWSR for 90-Day Review.

6. Potential operational arrangements

Policy Committee currently does not have authority to adopt the final Plan, therefore either a structure would need to be established or the Plan would need to go back to every members individual Board for adoption. It is anticipated that Plan would be ready for adoption in January 2019. This would be good timing for Fiscal Year 2020 Clean Water Funds, which would be available after July 1, 2019. There are other funds that are looking to prioritize dollars in watersheds with completed 1W1P Comprehensive Plans including NRCS and EPA 319 through MPCA.

Watson reviewed the comparison table that was provided in the meeting materials. The four main topics are Administration, Budget and Finance, Risks and Liabilities and Plan Implementation.

Administration

- Comment that even though open meeting law not required in a collaborative, it would be smart to follow in order to maintain transparency. This could be written into the bylaws.
- Question regarding who the decision makers would be. This would dependent on how the JPA is written.
- It was noted that this table shows the minimum requirements. You could have a collaborative that operates more like an entity.

Budget and Finance

- Match funds under a collaborative would have to come from individual member implementing the project. A collaborative cannot generate funds nor can they have a checking account to hold funds. Fiscal Agent would be billing out to other members, match dollars accounted for or transferred. Discussion that this seems messy and makes some lean towards an entity.
- Grants an entity could enter into contract with a grant writer, or enter into any contract for services. A collaborative could not, an individual member would have to enter into a contract.
- Question as to what the best way to spend dollars across county lines would be. Response that a collaborative essentially keeps dollars in silos where as an entity would be able to spend from one pool.

Risk and Liability

- Question as to whether MCIT could provide liability insurance to an entity. Response was unsure, but most likely they could. MCIT provides liability insurance for other entities such as the Drug Task Force or Mill Towns Trail Board. Only 1W1P members that are not members of MCIT are Dakota County and SWCD as well as NCRWMO.

Plan Implementation

- Discussion occurred on land use authority. There is the option of aligning ordinances or policies under an entity. This could create consistency within the watershed, but it could also create inconsistencies in counties. Groups such as the Planning Work Group will continue to meet during Plan implementation and can work towards consistency without formally doing so. Question regarding enforcement of ordinances. It would have to be written into the JPA as to whether the entity or county Boards would have enforcement authority. The key is to remember that land use authority for an entity is optional. Decision: The group chooses to focus on new projects and let existing ordinances operate as they are, therefore the group does not want land use authority.

General Discussion

- Next step will be to draft a JPA for either an entity or a collaborative.
- Question as to what the downsides of an entity may be. Liability insurance, records keeping, and maybe a little more administration responsibilities. There is also the concern as to what the full Boards would support and some may view an entity as a new layer of government. Response is that there are existing entities that all counties participate in, that are not considered another layer of government.
- Question as to whether we are locked into a decision. Response is that no we are not locked in. Easier to move from a collaborative to an entity, but an entity can also be dissolved.
- Concern expressed over local match, and that it may be hard for some to generate. Support for structure similar to Vermillion River Watershed JPO was expressed. Response that match does not have to be hard dollars. Policy Committee previously ruled out a Watershed District which would have been the mechanism for establishing an entity with taxing authority. A JPA entity could have membership dues to address match concerns. Further concern expressed that county Boards may use levy dollars for 1W1P but then remove from SWCD budget.
- If we want to move the needle on water quality we need to move away from the silos. This means supporting an entity. JPA and bylaws will have to be written well. They can also be tweaked or changed as we work together. Look to existing JPAs as a template.
- Staff respect the difficulties the Policy Members may face in gaining support, which is why most felt that a collaborative would work. Some staff felt that an entity would eventually be needed anyways. Entity is more streamlined and clear. Either way, staff will get the work done.
- Each individual Policy Member expressed which option they would support.
Decision: There was unanimous support for an entity.
- Question as to whether SWCD Boards would support an entity. Response was yes they would.
- Board will have to establish a vision and strategic plan, so that the mission carries forward even when there is turnover on the Board.
- Discussion on what staffs need in order to draft a JPA.
 - Should the JPA address generating funds? Yes, need to say something. There is support for membership dues since there will be administrative and legal overhead. Staff will propose some options or formulas for determining membership amounts.
 - All county attorneys will have to review the draft JPA.
 - Administrative and Fiscal agent will need to be discussed as to whether we would continue as is in a new JPA. Staff will discuss.

- Discussion on what Policy Committee members need to make decisions or talk to their Boards.
 - A 1-2 page factsheet or Question/Answer document would be helpful.

Motion by Dee, second by Malecha to support a JPA that establishes a Board and direct staff to draft a JPA that reflects this decision. Motion carried.

7. Next meeting

The next Policy Committee meeting was scheduled for June 27th, 9:00 am at the same location, Rice County Government Services Building.

8. Adjourn

Motion by Anderson, second by Hansen to adjourn the meeting. Meeting adjourned at 10:35 a.m.

Respectfully Submitted,



Galen Malecha, Secretary

Cannon River Watershed 1W1P Policy Committee